



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

TUESDAY, 11TH SEPTEMBER, 2007 AT 10.00 AM

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors D. Hancox, Mrs. M.A. Sherrey J.P. and L.J. Turner

AGENDA

1. Appointment of Chairman
2. To receive apologies for absence
3. Declarations of Interest
4. To consider an application to vary a Premises Licence in respect of the Hop Pole Public House, Birmingham Road, Bromsgrove (Pages 1 - 22)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

3rd September 2007

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Tuesday 11th September 2007

APPLICATION FOR A PREMISES LICENCE VARIATION – HOP POLE INN, BIRMINGHAM ROAD, BROMSGROVE

Responsible Head of Service	Head of Planning and Environment Services
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1. SUMMARY

- 1.1 To consider an application to vary a premises licence in respect of the Hop Pole Inn, Birmingham Road, Bromsgrove.

2. RECOMMENDATION

- 2.1 That Members determine the variation application taking into account the relevant representation which has been received. The variation may be refused, or it may be granted in whole or in part (with additional conditions, if appropriate), and all of it or part of it may be applied to the whole or part of the premises provided that the Sub-Committee's decision is consistent with the licensing objectives and the Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The Licensing Authority has received an application to vary the Premises Licence as follows:
- To extend the hours until 12 midnight during which the playing of recorded music indoors is permitted on every Thursday, Friday and Saturday;
 - To permit all forms of regulated entertainment on Good Friday and Christmas Day. Regulated entertainment in accordance with the current licence includes performance of live music, playing of recorded music, performance of dance, entertainment facilities for dancing and entertainment of a similar description to that falling within entertainment facilities for making music or dancing;
 - To remove the following conditions from the current premises licence:
 - The outside drinking area to be closed and cleared by customers by 10.45 p.m.
 - The licensed premises shall not be used for public entertainment on Christmas Day and Good Friday; and
 - After 11.00 p.m. the side exit/entry on Blackmore lane is not to be used as an exit/entry point for customers.

3.2 As part of the application process, the applicant has submitted proposed additional steps that he intends to take in order to promote the four licensing objectives if the variation is granted:

- Staff to regularly patrol outside areas during all hours when the property is open to the public.

For ease of reference, the four licensing objectives are as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

3.3 All other hours of operation and licensable activities remain unchanged.

3.4 Attached at Annex 'A' is a copy of their premises licence which sets out their current hours of operation for each licensable activity, together with the details of all licence conditions.

3.5 The effect of the proposed variation would be to extend the hours currently available for the playing of recorded music inside the premises every Thursday, Friday and Saturday by 40 minutes and that all forms of regulated entertainment currently permitted on the licence to be available on Christmas Day and Good Friday.

3.6 Members may wish to note that, the consumption of alcohol can take place both within the premises and outside in the beer garden. Secondly, Members may wish to note that regulated entertainment can only take place inside the premises.

3.7 In accordance with the Licensing Act, anyone residing or has business interests in the vicinity of a premises for which an application has been made is entitled to make representations. 'Vicinity' is not defined in the Licensing Act.

3.8 A representation has been made by a person who is involved in a business in the vicinity of the premises. A copy of the representation is attached at Appendix 'B'. The basis of the representation relates to noise nuisance arising from the use of beer garden. It is felt that the extension in hours would only exacerbate the problem of nuisance to local residents and it is considered that the proposed variation would undermine the licensing objective, prevention of public nuisance.

3.9 A plan showing the proximity of residential properties is attached at Appendix 'C'.

3.10 No representations have been received from any of the responsible authorities.

4. Policy Implications

4.1 Paragraph 4.3 of the Council's Statement of Licensing Policy applies to this application. This reads: "*The licensing hours for each premises will be examined on the individual merits of the application, having regard to the nature of activities taking place in the premises, the amount of disturbance likely to occur, the location of the premises and the day of the week, major sporting events, Bank Holidays and seasonal variations. It is however, acceptable to*

impose stricter conditions with regard to noise control in areas that are residential, in order to satisfy the licensing objectives.”

5. Financial Implications

- 5.1 There are no direct financial implications arising from this Report. However if either party is not satisfied by the decision taken by the Council, they can appeal to the Magistrates' Court and the Council could become liable for costs.

6. Legal Implications

- 6.1 Each party is entitled to appeal to the Magistrates' Court if they are dissatisfied with the decision of the Council.
- 6.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 6.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy.
- 6.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003 (Hearings) Regulations 2005, as amended.
- 6.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

Background Papers

Application form received on 12th July 2007

Email received from the Police dated 17th July 2007

Email received from Environmental Health dated 25th July 2007

Letter received from the Fire Authority dated 25th July 2007

Letter received from Child Protection Committee dated 18th July 2007

Letter received from objector dated 9th August 2007

Contact officer

Name: Sharon Smith, Principal Licensing Officer – Planning and Environment Services

E Mail: sharon.smith@bromsgrove.gov.uk

Tel: (01527) 881626

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Bromsgrove District Council

The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA

Telephone: 01527 873232 www.bromsgrove.gov.uk

Licensing Act 2003

Premises Licence

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Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Hop Pole Inn

78 Birmingham Road, Bromsgrove, Worcestershire, B61 0DF.

Telephone 01527 870100

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	11:20pm
	Good Friday		No entertainment permitted
	Christmas Day		No entertainment permitted
	New Year's Eve		Till the start of trading hours on New Year's Day
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	11:20pm
	Good Friday		No entertainment permitted
	Christmas Day		No entertainment permitted
	New Year's Eve		Till the start of trading hours on New Year's Day
G. Performance of dance (Indoors)	Monday to Sunday	10:00am	11:20pm
	Good Friday		No entertainment permitted
	Christmas Day		No entertainment permitted
	New Year's Eve		Till the start of trading hours on New Year's Day
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00am	11:20pm



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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors) continued ...	Good Friday		No entertainment permitted
	Christmas Day		No entertainment permitted
	New Year's Eve		Till the start of trading hours on New Year's Day
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Sunday	10:00am	11:20pm
	Good Friday		No entertainment permitted
	Christmas Day		No entertainment permitted
	New Year's Eve		Till the start of trading hours on New Year's Day
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	10:00am	11:00pm
	Thursday to Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm
	New Year's Eve		Till the start of trading hours on New Year's Day
	Non Standard Timings:		Refer to Annex 1 for a list of notable days

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	10:00am	11:30pm
Thursday to Saturday	10:00am	12:30am
Sunday	Noon	11:30pm
New Year's Eve		Till the start of trading hours on New Year's Day
Non Standard Timings:		Refer to Annex 1 for a list of notable days

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2



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NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Punch Taverns Plc Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.
Telephone 01283 501600

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns Plc 03752645

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Jeffrey Julian KAY The Hop Pole Inn, 78 Birmingham Road, Bromsgrove, Worcestershire, B61 0DF.
Telephone 01527 870100

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. 18050027 Issued by Bromsgrove

ANNEXES

Annex 1

Mandatory Conditions

- (a) No supply of alcohol may be made under this Premises Licence at a time when:
 - There is no designated premises supervisor in respect of the Premises Licence; or
 - At a time when the designated premises supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- (b) Every Supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.
- (c) Any person employed to be responsible for security, protection, screening the suitability of people entering the premises or dealing with conflict in pubs, clubs and other licensed premises open to the public shall be registered with the Security Industry Authority (SIA).

Conditions retained by the transition process as embedded in the Licensing Act 1964 s.168, 1717 and 201.

- (a) No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - He is the child of the holder of the premises licence;
 - He resides in the premises, but is not employed there;
 - He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress;
 - The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.



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ANNEXES continued ...

In this condition 'bar' includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Conditions retained by the transition process as set out in the Public Entertainments Licence.

1. A copy of the licence and any special conditions shall be displayed in a conspicuous position on the premises and be available at all times for inspection.
2. The licensee is personally responsible for the management of the premises, including the actions of any staff, although he may, on occasions when he is not present, discharge that responsibility through a nominated person, who must be aware of the conditions of the licence and understands the need for them to be complied with. A record must be kept of all nominated persons to whom responsibilities have been delegated to including their name, address, telephone number and nature of duties. The licensee shall produce these records, upon request to the Council and/or the Police.
3. The licensee shall not engage in any activities, which will prevent him from exercising general supervision of the premises.
4. The licensee shall ensure that all entertainments stop immediately and the public be required to leave the premises in the event of any situation arising which is likely to prejudice public safety.
5. The licensee shall ensure that the correct number of attendants are on duty and have been properly trained and instructed in the safe and efficient running of the premises.
6. The maximum number of persons allowed in the licensed place for any one function shall not exceed 120 (such a number to be inclusive of staff on the premises). This number of persons would require a minimum of 3 attendants/stewards to be on duty during any one function. Such staff shall be visually identifiable.
7. The licensee shall employ a suitable method of determining the number of persons on the premises at any one time to ensure that the maximum permitted number is not exceeded.
8. The licensed place shall not be used for public entertainment on Christmas Day and Good Friday.
9. The licensed place shall not be used for public entertainment except between the hours of 11.00 a.m. and 11.20 p.m. Monday to Sunday. Public entertainment must not take place outside in the rear garden area.
10. No person shall be admitted to any function in the licensed place later than 11.00 p.m.
11. The licensee shall ensure that any noise emanating from the premises shall not cause any injury to the health of persons present or cause annoyance or nuisance to occupiers of premises in the vicinity.
12. The licensee shall take all reasonable steps to prevent annoyance or nuisance by persons leaving the premises.
13. The licensee shall ensure that nothing shall take place on the premises which is likely to cause a breach of the peace; is likely to be grossly offensive to any person on the premises; involves unlawful betting or gaming; involves drugs misuse or any other unlawful activity.



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ANNEXES continued ...

14. The police, the fire authority and authorised officers of the Council shall be allowed to enter the premises (including any ante-rooms, corridors, bars) at all times while the licence is in force and at other reasonable times in order for them to ensure compliance with these conditions.
15. All exits and exit routes shall be clearly indicated by notices as approved by the Council, kept free from obstruction during the whole time that the premises is open to the public.
16. All exit doors shall open outwards or be double swing, except where otherwise approved by the Council.
17. All exit doors shall at all times when the premises is open to the public, be kept unlocked and have any removable fasteners removed; if the exit doors are fitted with panic bolts, they must be conspicuously marked "Push bar to open", and such bolts shall have been tested and be in good working order, and shall open the door with horizontal pressure on the crossbar.
18. Any doors or route in sight from the premises which lead to a part of the building of which the premises is part and which does not form part of the licensed area, or the means of escape shall be clearly marked "Private" or "No thoroughfare".
19. Entrances, exits, gangways, and corridors must not be blocked by things such as notice boards or coat rails.
20. Such special arrangements as may be necessary shall be made for the escape of disabled persons.
21. Gangways, exit routes and steps shall be maintained in good order with non-slippery and even surfaces, and edges of steps and stairways shall be conspicuously marked.
22. No rubbish or waste paper or similar materials shall be stored or allowed to accumulate in any part of the licensed place that is accessible by the public.
23. External access provided for emergency vehicles shall be kept free from obstruction at all times.
24. In the event of a fire, the Fire Brigade must be called immediately using 999 and details recorded in the Fire Log book. The location of the nearest public telephone must be prominently displayed in the premises.
25. A system of emergency lighting, independent of the normal lighting of the premises, shall be provided and shall illuminate all escape routes. The system shall operate automatically on failure of the normal lighting and shall be to the satisfaction of the Council and comply with the current British Standard.
26. All parts of the premises to which the public are admitted shall be adequately lighted during the whole of the time that the premises is open to the public so as to make it possible to see clearly over the whole area.
27. All electrical installations, equipment, lighting and heating shall be installed and maintained in a safe and satisfactory condition.
28. A sensitive earth leakage protection system (residual current device), having a rated residual operating current of not exceeding 30 milliamps for 30 milliseconds, shall be installed and maintained as part of the fixed wiring installation supplying the stage area. If no stage area is provided then the power point at which portable music equipment is normally used from must be provided with the residual current device.
29. All parts of the premises shall be adequately ventilated to the satisfaction of the Council. Where ventilation is by



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ANNEXES continued ...

air conditioning or other mechanical means, such a system shall be maintained in good working order.

30. Any fire alarm and fire fighting equipment, including sprinklers, provided shall be maintained in efficient working order, tested and examined at least annually to the satisfaction of a qualified expert approved the Council. A certificate/report of such an examination and where appropriate a test shall be submitted to the Council prior to the expiry of the licence, to ensure that the premises comply with Fire Safety Regulations. In addition to the annual test, the fire alarm systems should be tested weekly using a different call point on each occasion.
31. The licensee shall be responsible for staff training in respect of fire precautions and evacuation procedures. Training shall include the action to be taken on discovering a fire and on hearing the fire alarm; raising the alarm and calling the fire service; the location and use of fire fighting equipment; knowledge of escape routes; knowledge of the method of operating any special escape door fasteners; and the evacuation of the building to an assembly point at a place of safety.
32. Notices shall be displayed at suitable positions on the premises stating in concise terms the action to be taken on discovering a fire and hearing the fire alarm.
33. No combustible or flammable materials or substances shall be kept or stored on the premises except with the consent of the Council.
34. All furniture and fittings, decor, fabric and scenery, whether on stage, platform or in other parts of the licensed place that is accessible by the public, must have the necessary fire retardant qualities in accordance with current standards.
35. No laser beams (Pyrotechnics or real flame), strobe lights, explosives, flammable or smoke producing agents, toxic or hazardous substances and any similar entertainment involving special effects or special risks shall be used on the premises except with the written consent of the Council.
36. The licensed place shall not be used for a seated audience except in accordance with plans previously submitted to and approved by the Council.
37. Any alterations or additions whether permanent or temporary to the premises, the lighting, heating, ventilation installations, seating, gangways or other arrangements shall not be made except with the prior approval of the Council. Notice of proposed alterations or additions, together with such plans shall be deposited with the Council, the police and the fire authority at least 28 days prior to the hearing of the application.
38. The licensee shall ensure that there is free and unrestricted access to cold drinking water at all times and without charge, and that bottled water and soft drinks are available at the bar(s).
39. The licensee shall provide at the licensed premises an adequate number of suitable sanitary accommodation and sanitary facilities (w.c.'s urinals and hand wash basins) to comply with the guidance given in British Standard 6465 Part 1: 1984 and British Standard 6465 Part 1: 1994 or such lesser provision as may be specifically authorised by the Council.
40. All parts of the licensed premises must be kept clean.
41. The licensee shall ensure that at all times there is at least one suitably trained first aider, who shall be responsible for first aid, on duty when the public are present. If more than one suitably trained first aider is present on the premises, each person's responsibilities shall be clearly identified.



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ANNEXES continued ...

42. Hypnotism Act 1952 S.1

No exhibition, demonstration or performance of hypnotism, mesmerism or any similar act, as defined by the Hypnotism Act 1952, at the licensed premises shall be held unless the express written consent of the Council has been first obtained giving at least 28 days notice. Any such exhibition, demonstration or performance must comply with the licensing authority's conditions, which can be obtained on request.

43. All external windows and doors must remain closed at all times during all public entertainment events.

Other Conditions - Non-Standard Timings

- (a) With reference to non-standard timings, a further additional hour will be added to all finishing times in respect of **the retail sale of alcohol** for the following notable days/dates:
- Every Friday, Saturday, Sunday and Monday for each early May Bank Holiday, Spring Bank Holiday and August Bank Holiday;
 - Every Thursday, Friday, Saturday, Sunday and Monday for every Easter Bank Holiday;
 - Christmas Eve;
 - Boxing Day;
 - 27th, 28th, 29th and 30th December.
- (b) A period of 30 minutes will be permitted for drinking-up after the last permitted sale of alcohol.

Annex 2

Conditions consistent with the operating schedule

(a) General - all four licensing objectives

1. 30 Minute 'drinking-up' time will allow appropriate dispersal, use of lavatories etc.;
2. In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exists or escape routes without impediment.

(b) The prevention of crime and disorder

3. Illumination is provided to the exterior areas of the pub;
4. A rota system in place for checking the toilets/toilets checked regularly;
5. The licensees/staff will monitor customer behaviour especially during busy periods;
6. All interior trading areas are visible to staff from behind the bar servery;
7. Burglar alarm system in place, alarmed doors and windows/secure windows;
8. There will always be a minimum of two staff on duty at any one time;
9. Drug prevention measures are employed, and signs displayed;
10. Drivers 'shelf' with selection of soft drinks;

(c) Public safety



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ANNEXES continued ...

13. Health and safety policy is in place and adhered to;
14. A quarterly risk assessment carried out. HACCP policy is in place;
15. The pub is equipped with emergency lighting, illuminated exit signs and a fire detection system throughout the entire building;
16. A fire alarm test is carried out weekly;
17. All fire fighting equipment is serviced annually and there is a contract in place with 'Midland fire';
18. All portable electrical appliances are tested annually. There are current electric and gas certificates in place.
19. A pest control contract is in place;
20. The pub has a first aider and first aid facilities. Accident/incident book on site for staff and public;
21. The pub promotes a licensed taxi service to facilitate its customers making onward journeys;
22. Complies with smoking charter;
23. Maximum effort is placed on providing a smoke free environment with the use of extractors;
24. All staff hold 'Basic Food Hygiene' certificates;
25. Staff are trained in our disability policy and assistance is always available.

(d) The prevention of public nuisance

25. A noise survey is carried out regularly especially when entertainment is being provided;
26. When required, staff organise taxis to transport customers home and customers are seen off the premises and encouraged to disperse at closing;
27. There are no adjoining neighbours;
28. The fact that this public house is a detached property assists in minimising noise transfer to neighbours;
28. Food preparation is limited to 'Lunchtime' and therefore the use of kitchen extract is minimal;
29. We are gradually phasing out standard glasses and replacing with toughened glasses;
30. The pub has a lobbied entrance which reduces noise emission;
31. Cellar cooling condenser is positioned in an area so as not to cause nuisance to neighbours;
32. 'Please respect our neighbours and leave quietly' sign.

(e) The protection of children from harm

32. Unaccompanied children are not permitted on the premises;
34. The AWP and cigarette machine are adjacent to one another and in close proximity to the bar counter and therefore easily observed;
35. Children are not permitted in the bar, save access to garden and use of toilets;
36. The outside area is completely enclosed and accessed through the lounge bar.

Annex 3

Conditions attached after a hearing by the Licensing Authority

None.

Conditions attached after an appeal by the Magistrates' Court



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ANNEXES continued ...

- (1) The applicant erects clear, prominent and legible signage at the exits requesting customers to leave the premises quietly and have consideration for local residents;
- (2) The applicant erects a clear, prominent and legible sign on the outside of the premises requesting customers not to park in Blackmore Lane, Bromsgrove;
- (3) The management of the premises must ensure that a member of staff patrols the outside vicinity of the premises every 20 minutes in the final hour before the premises is due to close;
- (4) The outside drinking area be closed and cleared of customers by 10.45 p.m.;
- (5) During live entertainment all windows and doors remain closed except for entry and egress;
- (6) All windows and doors shall remain closed after 10.30 p.m. during the provision of recorded music, save for entry and egress;
- (7) All windows and doors shall remain closed after 11.00 p.m. save for entry and egress;
- (8) On any occasion when live music is being performed (band or DJ) the side entrance door on Blackmore Lane be kept closed save for entry and egress;
- (9) After 11.00 p.m. the side exit/entry on Blackmore Lane is not to be used as an exit/entry point for customers.



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Premises Details

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Not applicable

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- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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	Christmas Day		No entertainment permitted
	New Year's Eve		



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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors) continued ...			Till the start of trading hours on New Year's Day
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00am	11:20pm
	Good Friday		No entertainment permitted
	Christmas Day		No entertainment permitted
	New Year's Eve		Till the start of trading hours on New Year's Day
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M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	10:00am	11:00pm
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	Non Standard Timings:		Refer to Annex 1 for a list of notable days

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	10:00am	11:30pm
Thursday to Saturday	10:00am	12:30am
Sunday	Noon	11:30pm
New Year's Eve		Till the start of trading hours on New Year's Day
Non Standard Timings:		Refer to Annex 1 for a list of notable days



Bromsgrove District Council

The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA

Telephone: 01527 873232 www.bromsgrove.gov.uk

Licensing Act 2003

Premises Licence Summary

225

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Punch Taverns Plc

Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns Plc

03752645

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jeffrey Julian KAY

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No person under fourteen shall be int he bar of the licensed premises during the permitted hours unless one of the conditions outlined in Annex 1 applies. (S.168, 171, 201 LA 1964).

Sharon Smith
 Licensing Officer
 Bromsgrove District Council
 Burcot Lane
 Bromsgrove
 B60 1AA

Blackmore Lane
 Bromsgrove
 Worcs
 B60 1AB

09.08.07

Dear Ms Smith,

Licensing Act 2003
Premises Licence – Application to Vary
The Hop Pole Public House, Bromsgrove, Worcs

I wish to strongly object to the above proposed application to vary the licence on the grounds of public nuisance. I am objecting as the owner of one of the nearest properties to the pub garden and smoking shelter. The pub garden and smoking area, which has recently been constructed without planning permission, is within 10m of my front bedroom windows and noise will be a problem for any future residents of my property, with large groups of people congregating in the pub garden until early morning.

If the application is approved it will mean people will be allowed to stay in the garden or on the street until 12.20 on 3 nights of the week including on Thursdays ie before a normal working week day. In addition the noise of people leaving and banging car doors will cause a nuisance until even later in to the night. It is unacceptable to have such a nuisance so close to properties in the centre of a residential area.

The Committee will recall that both members and representatives of Punch Taverns agreed that using the pub garden at night was considered to be a major problem because of the noise generated in close proximity to residential properties. At the hearing because of this, Punch put forward a time of 9pm when the garden should close. This should have been recorded in any minutes of the original Licensing Committee in 2005. In the event a time of 10.45 was considered appropriate at the appeal although on occasions the condition has been breached since then. On advice from the Council's solicitor at that time I agreed to withdraw my objection and to accept only the 30 minutes extension providing the pub garden remained closed after that time.

This new proposal flies in the face of everything that was agreed previously. All elements of this proposal should be rejected. Nothing has changed in respect of these issues which are still valid. If the Committee accepts that large groups of people 10m away from residential properties, are unacceptable after 10.45, which it did at the previous hearing, then it can not endorse this application. Similarly it can not endorse the hours extension because the pub would have to provide somewhere for smokers to congregate outside the premises and as large groups of people in the

garden will cause noise, this can not be acceptable either. If the garden is closed and the only other place left is the street, that is unacceptable because large groups of people on the street are also a nuisance for local people. Blackmore Lane is designated a residential zone not a commercial one in the adopted Local Plan. If Punch Taverns wanted a nightclub operation it should have found a pub in the town centre not in a residential zone.

The Committee should be aware of the following points:

Punch Taverns have made no effort to consult local people prior to this hearing despite the fact there were 8 objections on the last occasion.

A noise abatement notice was served in 2005 because Punch tried to do things on the cheap rather than providing proper soundproofing causing problems to local residents for a long period.

The side door to which the application refers was originally constructed by Punch Taverns without planning permission. When a retrospective planning application was submitted, local residents were not consulted. If the Council relaxes this condition it is compounding its original mistake and this could be a matter for the Ombudsman to investigate.

Punch failed to apply for planning permission for other developments on the site including a roof terrace which was reported to the Council's Planning enforcement team and not acted upon to a conclusion. The terrace was only removed a few weeks ago prior to this application presumably to make a good impression before this application.

In the past few weeks a roofed smoking area has been constructed 10m from my house again without planning permission. This again shows that Punch Taverns believe they can do whatever they like in this area with total disregard for local residents.

The hours condition agreed at appeal has been breached with people in the pub garden on occasions after 10.45 especially last summer during the extremely hot evenings.

Reporting by the Local Press to promote the pub and not report the problems caused by the pub's operation led to verbal intimidation for me during the period when the noise abatement notice was served. Both the Council and local residents, who objected, were criticised unfairly in the press. This may deter people from objecting to this proposal.

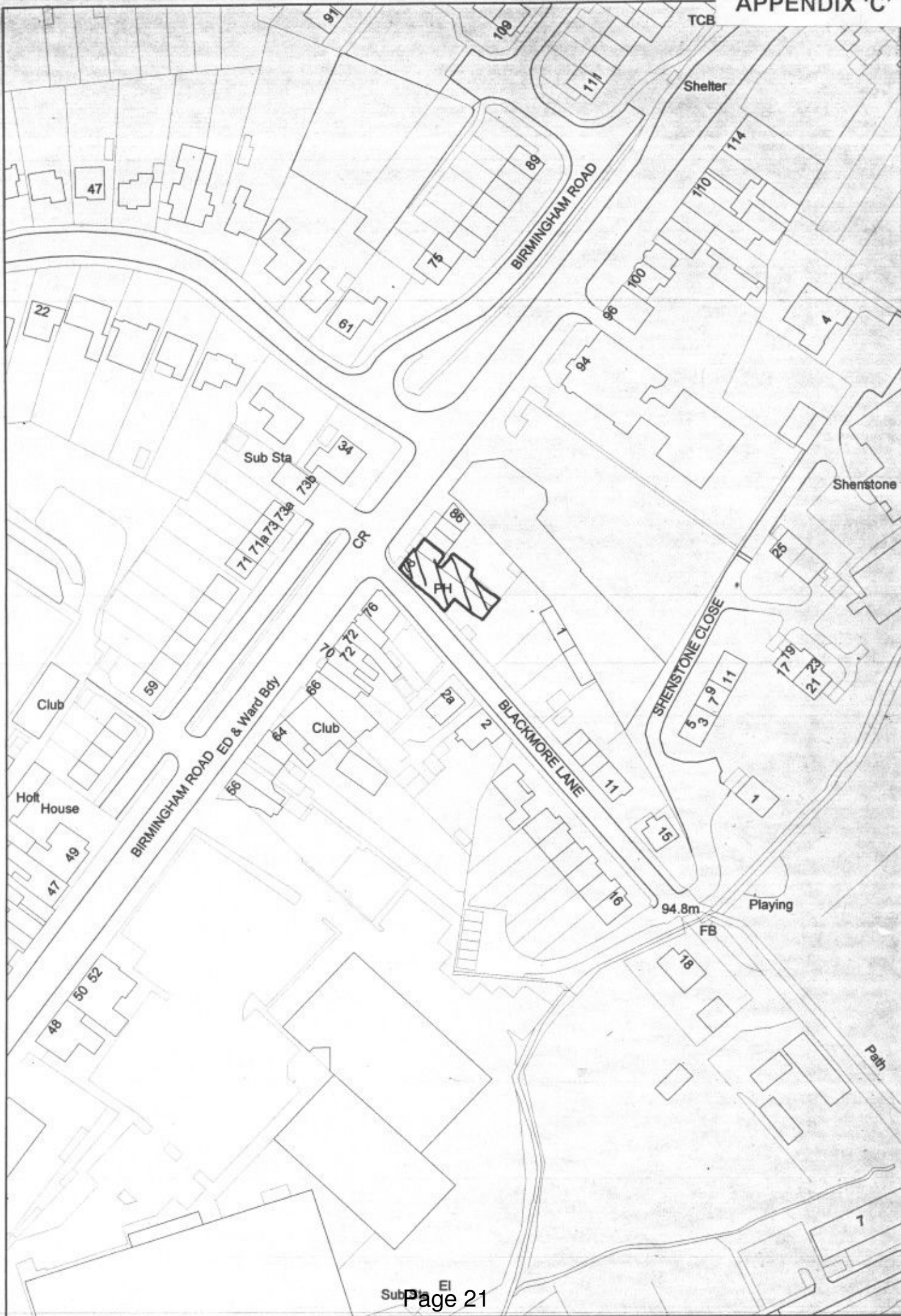
In summary, the application for all elements of this licence variation should be refused as it would allow people to congregate either in the garden or in to the street at times of the night which would cause noise and disturbance to local people. These were the original conditions agreed, by the applicant, residents and the Council, which were deemed satisfactory at the time. The Council has an obligation to protect the amenity of local residents from such obviously provocative proposals. The Council should stop this at the outset before Punch Taverns re-apply re next year for further relaxation of hours? Members should ask themselves whether they would approve a new planning application for a night club in the centre of residential

area and then decide why they would want to create future problems, which will arise if they approve this application?

Yours Sincerely

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